

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

July 16, 2014

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, July 16, 2014 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell
Danny Castillo, District 1
Tudor Uhlhorn, District 2
Michael Mezmar, District 3
Basilio "Chino" Sanchez, District 4
Victor Leal, District 5

Staff

Carlos Yerena, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order; a quorum was established. A notice of the meeting was duly posted according to state law. The following proceedings were held.

Invocation/Mayor Chris Boswell

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Public Announcement of Events

David Ralph, Public Information Officer announced the following events.

- a) Summer Reading Celebration " Magic Of Reading Everyday" - Magic Show by Oscar Munoz - Harlingen Public Library, Friday, August 1, 2014, 10:00 a.m.;
- b) National Night Out sponsored by Harlingen Police Department - Lon C Hill – Fair Park, Tuesday, August 5, 2014, 6:00 p.m. to 10:00 p.m.;
- c) Blues on the Hill, "Women of Blues" – McKelvey Park, Saturday, August 16, 2014 7:00 p.m. to 11:00 p.m.; and
- d) Diabetes Awareness – Harlingen Public Library Auditorium, Saturday, August 30, 2014 from 2:00 p.m. - 3:00 p.m.

2) Neighborhood Clean Sweep held July 12, 2014 from "O" to "S" Streets between W. Adams & Teege Street, District 4.

Carlos Yerena, City Manager reported the Neighborhood Clean Sweep was held July 12, 2014 in District 4; 4.49 tons of debris and 103 tires were collected. He thanked the volunteers from Texas State Technical College and Luz Del Mundo Church for their participation. The next Clean Sweep was scheduled for August 9, 2014 Parkwood Street from S. Highway 77 (Sun Shine Strip) to 25th Street.

Mayor Boswell and Mr. Yerena presented Certificates of Appreciation to the volunteers for their participation in the Neighborhood Clean Sweep.

3) Approval of Minutes

a) Regular Meeting of July 2, 2014

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Castillo to approve the minutes as presented. Motion carried unanimously.

CONSENT AGENDA

- 4a) Second and final reading to approve and adopt an ordinance for a specific use permit ("SUP") to allow a school in a Residential, Single Family ("R-1") District located at 1417 E. Austin Street bearing a legal description of Block 7, Clift Addition. Applicant: William J. Haraway, c/o St. Albans Episcopal Church and Day School.
- b) Consider and take action to approve a request from the Dieciseis de Septiembre Committee to close a portion of Fair Park Boulevard (from Wichita Avenue to "L" Street) and a portion of "L" Street (from West Washington Avenue to Fair Park Boulevard) Saturday, September 13, 2014 from 12 noon to 10 p.m. to hold the Annual Dieciseis de Septiembre Civic Event & Festival.
- c) Consider and take action to approve a request from St. Anthony Church to close Van Buren Avenue between 10th and 11th Streets and 10th Street between Harrison and Van Buren Avenue on Saturday, November 1, 2014 and Sunday, November 2, 2014 from 10 a.m. to 10 p.m. to hold their Annual Fall Festival.
- d) Consider and take action to approve a refund of property taxes to Blue Coast Investments, LLC, Account #23-0692-0010-0050-00 in the amount of \$2,613.14 due to a decrease in value for Year 2013 adjustment.
- e) Consider and take action to approve the preliminary plat of Villa De Leonor Subdivision being the South 3.23 acre tract of land out of Block 47, Briggs and Coleman Subdivision Survey 271 located on Retama Road north of FM 508. Applicant: JNH Surveying Company.

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to approve the items under the consent agenda with the exception of Item No. 4(a). Motion carried unanimously.

For the record, Mayor Boswell and Commissioner Uhlhorn filed a conflict of interest form with Amanda C. Elizondo, City Secretary. They both relinquished their chairs and left the meeting room in order to avoid an appearance of impropriety.

Mayor Pro-Tem Castillo presided over the meeting and proceeded with Item No. 4 (a).

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve Item No. 4(a) under the consent agenda. Motion carried unanimously.

Mayor Boswell and Commissioner Uhlhorn returned to the meeting.

For the record, the caption of the Ordinance No. 14-24 read as follows:

ORDINANCE NO. 14-24

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO ST. ALBAN'S EPISCOPAL CHURCH AND DAY SCHOOL TO ALLOW A SCHOOL IN A SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT LOCATED AT 1417 E. AUSTIN STREET, BEARING A LEGAL DESCRIPTION OF BLOCK 7, CLIFT ADDITION, SUBJECT TO: (1) PROVIDING AND MAINTAINING THE REQUIRED PARKING SPACES; (2) APPLYING FOR BUILDING PERMITS WHEN NECESSARY; (3) MAINTAINING THE EXISTING LANDSCAPING; AND (4) COMPLY WITH ALL PERTINENT CITY ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

PASSED AND APPROVED on first reading on this 18th day of June, 2014.
PASSED AND APPROVED on second and final reading on this 16th day on July, 2014.

CITY OF HARLINGEN
/s/Chris Boswell, Mayor

ATTEST:
/s/Amanda C. Elizondo, City Secretary

- 5) Consider and take action to elect a Mayor Pro-Tempore by a majority vote of the City Commissioners as per the Harlingen City Charter, Article IV, Section 6.

Mayor Pro Tem Castillo stated he had the privilege of serving as Mayor Pro-Tem for the past year and nominated Commissioner Victor Leal.

Motion was made Mayor Pro-Tem Castillo and seconded by Commissioner Uhlhorn to approve the nomination of Victor Leal for Mayor Pro-Tem. Motion carried unanimously.

- 6) Presentation by David Allex, RMA Chairman regarding the Cameron County Regional Mobility Authority 2013 Annual Report.

David Allex, Chairman of the Cameron County Regional Mobility Authority (CCRMA) gave a brief Power Point presentation of the CCRMA 2013 Annual Report. He stated their main goals were to improve Economic Development; A Better Quality of Life for all; Improve Mobility; Relieve Congestion; and Ensure Efficient Trade Corridors. He highlighted a list of the projects, a system map and the ongoing projects which would have very little or no tax impact on the Harlingen citizens. Two-Thirds of the projects were been done by investment bonds allocated by federal and state funding. The I-69 Corridor Project and US Conceptual Plan were expected to be completed within 24 months. The projects were also funded by toll road revenues and bonds. Other sources of funding were from the Transportation Reinvestment Zone (TRZ) Revenues approved by the Cameron County Commissioners Court, Texas Department of Transportation and Federal Highway Administration. He gave an update report on the SPI 2nd Access Project. There was a prediction that by 2040 the estimated population would increase to nine million on the north, east, and west quadrants of Los Fresnos, more than Harlingen's and Brownsville's population put together.

Commissioner Sanchez asked if there were any ongoing projects on the 509 Corridor to Los Indios Free Trade Bridge.

Mr. Allex responded yes, and gave a brief description of the project that was currently taking place at this corridor.

Mayor Boswell stated the City appreciated all his work that he did and thanked him for the presentation.

- 7) Consider and take action to adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2014-2015 (Year 40) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2014-2015 (Year 20) of the Home Investment Partnership Program.

Tammy DeGannes, Community Development Director stated the proposed budget for the One Year Action Plan was approved by the City Commission on June 4, 2014. A public hearing was held and no comments were received from the public. She recommended approval of the resolution.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Castillo to approve the resolution. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading to rezone from a Residential Single Family ("R-1") District to Neighborhood Services ("NS") District for the property located at 1001 E. Jackson bearing a legal description of Lots 7-12, Block 3, Taylor Subdivision. Applicant: Charlene Albertson.

Joel Olivo, Planning and Zoning Manager stated Charlene Albertson, applicant was requesting to rezone the proposed property from Residential Single-Family (“R-1”) District to a Neighborhood Services (“NS”) District to operate a day care center at an existing church. The proposed day care center would be operated from the parish hall off of Jackson Street. The surrounding properties were zoned Residential Single Family (“R-1”). A public hearing was conducted by the Planning and Zoning (P&Z) Commission and no comments were received from the public. The P&Z Commission along with staff recommended approval of the request.

Commissioner Uhlhorn stated originally the P&Z Commission and staff were against the rezone request and for what reason.

Mr. Olivo responded because the P&Z Commission along with staff were recommending that it be consistent with the surrounding areas.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Boswell declared the public hearing closed.

Mayor Boswell noted there were no concerns voiced by the residents from the surrounding areas after the publication of the public hearing.

b) Consider and take action to approve an ordinance on first reading for the above mentioned rezone request.

Richard Bilbie, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Uhlhorn to approve the ordinance on first reading. Motion carried unanimously.

9) Public hearing to consider an ordinance on first reading to rezone from Not Designated (“N”) District to General Retail (“GR”) District for 9.6463 acres out of Block 53, Howard Dixieland Heights Subdivision No. 1, located on the east side of Dixieland Road south of Garrett Road. Applicant: Harlingen Trinity Worship Center, c/o Pastor Eliseo Gonzales, Jr.

Mr. Olivo stated Pastor Eliseo Gonzalez, Jr., applicant was requesting to rezone the proposed property from Not Designated (“N”) District to General Retail (“GR”) District to allow for a church and a radio station on the property. The property was currently vacant and had approximately 270 ft. of frontage on Dixieland Road and a depth of 1,200 ft. The P&Z Commission conducted a public hearing and received no comments from the public. The P&Z Commission along with staff recommended approval of the request.

a) Public hearing to discuss the above mentioned rezone request at the described property.

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against the item could do so.

There being no comments, Mayor Boswell declared the public hearing closed.

b) Consider and take action to approve an ordinance on first reading in regards to the above mentioned rezone request.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to approve the ordinance on first reading. Motion carried unanimously.

- 10) Consider and take action to approve an ordinance on first reading approving a negotiated resolution between the City and Texas Gas Service regarding the company's May 1, 2014 Cost of Service Adjustment ("COSA") rate filing.

Mr. Bilbie stated approval of the ordinance would be in favor of the rate adjustment by Texas Gas Service. This ordinance was a result of the negotiations done by Jeffery Gay on behalf of the City of Harlingen and other valley cities. The rate was reduced by \$280,000 and recommended approval of the ordinance.

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Leal to approve the ordinance on first reading. Motion carried unanimously.

Mayor Boswell recognized Mr. Ken Jones Director of the Lower Rio Grande Valley Development Council and staff members who assisted in the coordination and negotiations with Texas Gas Services.

- 11) Consider and take action to adopt a resolution authorizing the Mayor on behalf of the City of Harlingen Police Department to seek grant funding for the 2015 Selective Traffic Enforcement Program (S.T.E.P.) Comprehensive Grant through the Texas Department of Transportation (TXDOT).

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the resolution as presented. Motion carried unanimously.

- 12) Consider and take action to adopt an ordinance on first reading to set the salary of the Harlingen City Commissioners at \$200.00 per month commencing with the month of August, 2014. (This item was requested by Commissioners: Michael Mezmar and Basilio "Chino" Sanchez.)

Mr. Bilbie read the caption of the ordinance.

Motion was made by Commissioner Mezmar and seconded by Commissioner Sanchez to approve the ordinance.

Mayor Pro-Tem Leal stated the compensation should not be changed. It was not part of the current budget and if considered, it should be part of the budgetary process.

Commissioner Uhlhorn agreed with Mayor Pro-Tem Leal and stated it would not be necessary because he understood from the beginning when he took office.

Commissioner Castillo also agreed with Commissioner Uhlhorn and understood what he had signed up for when he ran for office and everything else associated with serving as a City Commissioner. He would rather leave this matter as it was.

Commissioner Mezmar stated the item was brought before a public meeting because they could not discuss it among themselves.

Mayor Pro-Tem Leal suggested that if they were going to consider this item that it be placed at a next election cycle for it to be budgeted.

Commissioner Sanchez stated this would be alright for himself. The City should look at what other city mayors and commissioners were being compensated.

Mr. Yerena reported the mayor and commissioners from McAllen were compensated \$550 monthly along with a \$100 phone allowance and \$50 per meeting.

Commissioner Sanchez stated one of the reasons the item was placed on the agenda was because he attended several other functions such as Amigo Del Valle and other board meetings in other cities representing the City of Harlingen.

Mayor Boswell stated the Mayor's position did not get compensated any salary at this time. He suggested that provisions could be made to the ordinance to take effect for future commissioners coming in to office.

Commissioner Mezmar and Commission Sanchez withdrew their motion in regards to Item No. 12. No action was taken.

13) Motion to rescind the appointment of Ernesto Flores to the Utility Board of Trustees as premature.

Motion was made by Commissioner Sanchez and seconded by Commissioner Leal to rescind the nomination of Ernesto Flores to the Utility Board of Trustees. Motion carried unanimously.

14) Board Appointment

Mayor Boswell

Nicholas Consiglio - Airport Advisory Board

Motion was made by Commissioner Castillo and seconded by Mayor Pro-Tem Leal to approve the appointment of Nicholas Consiglio to the Airport Board. Motion carried unanimously.

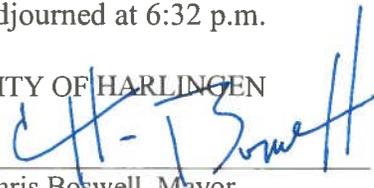
15) Citizen Communication

Gregory Smith, 18362 Teege Rd. thanked the City Commission and staff for reopening Teege Road.

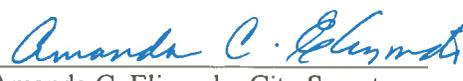
Joe Rubio, 2809 Hacienda Road presented some photos in regards to some maintenance issues at McKelvey Park. There were six police cars not being used since December, 2013. The cars were a representation of \$200,000 that could be utilized elsewhere.

There being no further business, the meeting adjourned at 6:32 p.m.

CITY OF HARLINGEN


Chris Boswell, Mayor

ATTEST:


Amanda C. Elizondo, City Secretary